

**53A-1-603. Duties of State Board of Education.**

(1) The State Board of Education shall:

(a) require each school district to implement the Utah Performance Assessment System for Students, hereafter referred to as U-PASS;

(b) require the state superintendent of public instruction to submit and recommend criterion-referenced and norm-referenced achievement tests, a tenth grade basic skills competency test, and a direct writing assessment for grades 6 and 9 to the board for approval and adoption and distribution to each school district by the state superintendent;

(c) develop an assessment method to uniformly measure statewide performance, school district performance, and school performance of students in grades 1 through 12 in mastering basic skills courses; and

(d) provide for the state to participate in the National Assessment of Educational Progress state-by-state comparison testing program.

(2) Under U-PASS, the state office shall annually require that each district administer:

(a) a statewide norm-referenced test to all students in grades 3, 5, 8, and 11;

(b) statewide criterion-referenced tests in all grade levels and courses in basic skill areas of the core curriculum;

(c) a direct writing assessment to all students in grades 6 and 9, with the first assessment to be administered during the 2001-02 school year; and

(d) a tenth grade basic skills competency test as detailed in Section 53A-1-611, with the first test to be administered during the 2003-04 school year.

(3) The board shall adopt rules for the conduct and administration of U-PASS to include the following:

(a) the computation of student performance based on information that is disaggregated with respect to race, ethnicity, gender, limited English proficiency, and those students who qualify for free or reduced price school lunch;

(b) security features to maintain the integrity of the system, which could include statewide uniform testing dates, multiple test forms, and test administration protocols;

(c) the exemption of student test scores, by exemption category, such as limited English proficiency, mobility, and students with disabilities, with the percent or number of student test scores exempted being publically reported at a district level;

(d) compiling of criterion-referenced and direct writing test scores and test score averages at the classroom level to allow for:

(i) an annual review of those scores by parents of students and professional and other appropriate staff at the classroom level at the earliest point in time and consistent with the timeline of the phase-in referred to in Section 53A-1-602 and this section, but no later than by the end of the school year beginning with the 2003-04 school year;

(ii) the assessment of year-to-year student progress in specific classes, courses, and subjects;

(iii) a teacher to review, prior to the beginning of a new school year for the 2003-04 school year and for each school year thereafter, test scores from the previous school year of

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students who have been assigned to the teacher's class for the new school year; and

(iv) allowing a school district to have its tests administered and scored electronically to accelerate the review of test scores and their usefulness to parents and educators under Subsections (3)(d)(i), (ii), and (iii), without violating the integrity of U-PASS; and

(e) providing that:

(i) scores on the tests and assessments required under Subsection (2)(b) shall be considered in determining a student's academic grade for the appropriate course and whether a student shall advance to the next grade level; and

(ii) the student's score on the tenth grade basic skills competency test shall be recorded on the student's transcript of credits.

Amended by Chapter 7, 2002 Special Session 5

**53A-1-604. Test development, publication, and administration.**

(1) The State Board of Education shall develop, publish, and administer criterion-referenced tests and other assessments referred to in Subsections 53A-1-603(2)(c) and (d) of its own devising and incorporate existing norm-referenced tests and assessment programs into U-PASS.

(2) The board may use the expert services of any persons or groups of persons in the public or private sector in evaluating current tests and assessment programs, in developing, publishing, and administering new tests, or both.

(3) The board shall develop assessment tools in such a manner and on such a timeline as to ensure full implementation of U-PASS by the 2004-05 school year.

Amended by Chapter 219, 2000 General Session

**53A-1-605. Analysis of results -- Submission of annual budget -- Staff professional development.**

(1) The State Board of Education, through the state superintendent of public instruction, shall develop a plan to analyze the results of the U-PASS scores for all grade levels and courses required under Section 53A-1-603 and the student behavior indicators referred to in Subsection 53A-1-602(3)(e).

(2) The plan shall include components designed to:

(a) assist school districts and individual schools to use the results of the analysis in planning, evaluating, and enhancing programs within the district; and

(b) for the 2003-04 school year and for each year thereafter, identify schools not achieving state-established acceptable levels of student performance in order to assist those schools in raising their student performance levels.

(3) The plan shall include provisions for statistical reporting of data as follows:

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(a) norm-referenced tests results shall be reported at the state, district, school, and grade levels, and shall include actual levels of performance on tests; and

(b) criterion-referenced tests results shall be reported at state, district, school, and grade or course levels, and shall include actual levels of performance on tests.

(4) Each local school board shall provide for:

(a) district evaluation of the U-PASS test results and use of the evaluations in setting goals and establishing programs for the district and each school within the district; and

(b) a professional development program that provides teachers, principals, and other professional staff employed by the school district with the training required to successfully establish and maintain U-PASS.

Amended by Chapter 221, 2003 General Session

### **53A-1-606. Mastery of reading skills.**

(1) (a) The Utah Performance Assessment System for Students in grades 1 through 10 shall be used to determine whether the planned instruction has resulted in the student's mastery of reading skills.

(b) As used in Subsection (1)(a), planned instruction shall include instructional practices of:

(i) early and explicit teaching of phonetic decoding skills;

(ii) continuous and frequent exposure to a wide range of quality literature;

(iii) writing to foster and reinforce word recognition, language structure, and experience; and

(iv) regular and adequate time to read a wide variety of materials across the curriculum.

(c) (i) If, through U-PASS, the school finds the student seriously deficient in one or more of these basic skills, it shall provide remedial assistance to help the student overcome the deficiency and attain reading proficiency appropriate to the student's age and ability.

(ii) The remediation program shall include a plan to bring the student up to the appropriate reading level and an opportunity for parents to receive materials and guidance so that they will be able to assist in the remediation process and support their students' progress toward literacy.

(d) U-PASS shall incorporate assessment mechanisms developed by the State Board of Education, through the state superintendent of public instruction, as well as commercially produced testing material selected by the board under Subsection 53A-1-603(1).

(2) The local board may also administer other tests.

Amended by Chapter 93, 2001 General Session

### **53A-1-606.5. Reading achievement in grades one through three -- Monitoring --**

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**Reporting -- Additional instruction.**

- (1) (a) The Legislature recognizes that:
- (i) reading is the most fundamental skill, the gateway to knowledge and lifelong learning;
  - (ii) there is an ever increasing demand for literacy in the highly technological society we live in;
  - (iii) students who do not learn to read will be economically and socially disadvantaged;
  - (iv) reading problems exist in almost every classroom;
  - (v) almost all reading failure is preventable if reading difficulties are diagnosed and treated by no later than the end of the third grade; and
  - (vi) early identification and treatment of reading difficulties can result in students learning to read by the end of the third grade.
- (b) It is therefore:
- (i) the long-term goal of the state to have every student in the state's public education system reading on or above grade level by the end of the third grade; and
  - (ii) the short-term goal of the state to have 90% or more of all third graders reading on or above grade level by the end of the third grade in 2006.
- (c) (i) The State Board of Education, through the superintendent of public instruction, shall annually report on progress towards achieving the goals established in Subsection (1)(b).
- (ii) The information shall be reported in the school performance report required under Section 53A-3-602.5, beginning with the 2002-03 school year, and include the following for each school district and elementary school:
- (A) the number and percent of all students reading on or above grade level at the end of the first, second, and third grades;
  - (B) the annual reading achievement growth from the prior year and cumulative reading achievement growth from the base year of 2001-02 in the percent of students reading on or above grade level for each year;
  - (C) those schools that reach the 90% reading achievement goal or achieve a sufficient magnitude of gain each year as determined by the State Board of Education from the 2001-02 base year or do both; and
  - (D) those elementary schools that fail to achieve a sufficient magnitude of gain each year as determined by the State Board of Education from the 2001-02 base year.
- (d) The State Board of Education, through the superintendent of public instruction, shall determine as part of the U-PASS testing program:
- (i) the appropriate statewide tests to assess reading levels at the end of each year in the first, second, and third grades;
  - (ii) an appropriate standard or cut score on each assessment for determining grade level reading mastery; and
  - (iii) the actual percent of students reading on or above grade level in the first, second, and third grades at each public elementary school as required under Subsection (1)(c)(i) by dividing the headcount enrollment of students reading on or above grade level at that grade by
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the headcount enrollment of students in the building at that grade on the date that the reading assessment is administered.

(2) Local school boards shall annually review the U-PASS data regarding reading at school and district levels and shall work with districts and schools to review and revise plans as needed to meet the goal set in Subsection (1)(b).

(3) (a) Each school district shall require the elementary schools within its district boundaries to develop, in conjunction with all other school planning processes and requirements, a reading achievement plan at each school for its kindergarten, first, second, and third graders to reach the reading goals set in Subsection (1)(b).

(b) The reading achievement plan shall be:

(i) subject to Subsection (3)(e), developed under the direction of the school community council or a subcommittee or task force created by the school community council; and

(ii) implemented by the school's principal, teachers, and other appropriate school staff.

(c) The school principal shall take primary responsibility to provide leadership and allocate resources and support for teachers and students, most particularly for those who are reading below grade level, to achieve the reading goals.

(d) Each reading achievement plan shall include:

(i) an assessment component that:

(A) allows only the principal, teachers, and other appropriate school staff to identify those students who are reading below grade level;

(B) uses U-PASS and local assessment information throughout the year to determine students' instructional needs; and

(C) is consistent with the exemption provisions of Subsection 53A-1-603(3)(c) regarding such students as students with disabilities or limited English proficiency;

(ii) an intervention component:

(A) that provides adequate and appropriate interventions focused on bringing each student up to reading at or above grade level and which would permit retention in the grade level of a student reading below grade level based on a joint determination made by the principal or the principal's designee, the student's teacher, and the student's parent;

(B) based on best practices identified through proven researched-based methods;

(C) that includes parental participation; and

(D) that, as resources allow, involves a reading specialist; and

(iii) a reporting component consistent with the data to be included in the school performance report required under Section 53A-3-602.5.

(e) In developing or reviewing a reading achievement plan, a school community council or subcommittee or task force of a school community council may not have access to data that reveal the identity of students.

(4) The school district shall approve each school's plan prior to its implementation and review each plan annually.

Amended by Chapter 324, 2002 General Session

Amended by Chapter 210, 2002 General Session

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**53A-1-607. Scoring -- Reports of results.**

(1) Each local school board shall submit all answer sheets for the achievement tests administered under U-PASS on a per-school and per-class basis to the state superintendent of public instruction for scoring unless the test requires scoring by a national testing service.

(2) The district and school results of the U-PASS testing program, but not the score or relative position of individual students, shall be reported to each local school board annually at a regularly scheduled meeting.

(3) Each local board shall make copies of the report available to the general public upon request.

(4) The board may charge a fee for the copying costs.

Amended by Chapter 219, 2000 General Session

**53A-1-608. Preparation for tests.**

(1) School district employees may not carry on any specific instruction or preparation of students which would be a breach of testing ethics, such as the teaching of specific test questions.

(2) School district employees who administer the test shall follow the standardization procedures in the publisher's test administration manual and any additional specific instructions developed by the State Board of Education.

(3) The State Board of Education may revoke the certification of an individual who violates this section.

Enacted by Chapter 267, 1990 General Session

**53A-1-609. Construction of part.**

Except as otherwise provided in Section 53A-1-611, nothing in this part shall be construed to mean or represented to require that graduation from a high school or promotion to another grade is in any way dependent upon successful performance of any test administered as a part of the testing program established under this part.

Amended by Chapter 336, 1999 General Session

**53A-1-610. Grade specification replacement.**

(1) The State Board of Education may replace the grade specification for the

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administration of specific tests under this part with a specification of age or time elapsed since the student entered school if the replacement specification is more consistent with patterns of school organization.

(2) The board shall submit a report to the Legislature explaining the reasons for replacing the grade specification. The board shall submit the report at least six months prior to the anticipated change.

Enacted by Chapter 267, 1990 General Session

**53A-1-611. Standards and assessment processes to measure student performance -- Basic skills competency test.**

(1) The Legislature recognizes the need for the State Board of Education to develop and implement standards and assessment processes to ensure that student progress is measured and that school boards and school personnel are accountable.

(2) (a) In addition to its responsibilities under Sections 53A-1-603 through 53A-1-605, the State Board of Education, through the state superintendent of public instruction, shall design a basic skills competency test to be administered in the tenth grade.

(b) A student must pass the basic skills competency test, in addition to the established requirements of the state and local board of education of the district in which the student attends school, in order to receive a basic high school diploma of graduation.

(c) The state board shall include in the test, at a minimum, components on English language arts and reading and mathematics.

(d) A student who fails to pass all components of the test may not receive a basic high school diploma but may receive a certificate of completion or alternative completion diploma under rules made by the State Board of Education in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act.

(e) The state board shall make rules:

(i) to allow students who initially fail the test to retake all or part of the test; and

(ii) that take into account and are consistent with federal law relating to students with disabilities in the administration of the test.

(3) The state board shall implement the tenth grade basic skills competency test, no later than the beginning of the 2003-04 school year.

(4) The requirements of this section are to be complementary to the other achievement testing provisions of this part.

Amended by Chapter 7, 2002 Special Session 5